

TOWN OF SOUTH BETHANY
BOARD OF ADJUSTMENT PUBLIC HEARING MINUTES
Friday, November 18, 2022, 1:00 p.m.

This meeting/hearing was conducted electronically.

PRESENT: Chairman Steve Bunoski; Charlene Sturbitts; Al Rae; Martha Fields; Jimmy Oliver and Barrett Edwards

TOWN STAFF: Joe Hinks, Code Enforcement Officer; and Brittany Sneeringer, Administrative Assistant

APPLICANT: **Rich Bar and Claire Lerner**, 446 Black Gum Drive, Lot 186 ATTENDENCE: Rich Bar, Greg Hastings (contractor), Edith Dondero; 438 Black Gum Drive

Chairman Bunoski called the Meeting to order at 1:37p.m. All parties were sworn in who requested testimony during the hearing.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTIONS 145-38(A)(1), TWENTY-FIVE (25) FT front yard setback requirements and 145-38(A)(2), TWENTY-FIVE (25) FT rear yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a Public Hearing to consider the homeowner's request for a variance of encroachment into the front and rear yard setbacks.

Administrative Assistant Brittany Sneeringer stated the public hearing notice for this meeting was posted on the property (303 W. 4th Street) on October 14, 2022; the notice was published in the *Coastal Point* newspaper on October 14, 2022; it was posted at Town Hall and on four (4) other locations within Town on October 14, 2022; and was sent via mail to the property owner and owners of property within a radius of two-hundred (200) feet of the property on October 13, 2022.

Town Code Enforcement Constable Joseph Hinks stated the applicants were looking to make a substantial improvement. With the current structure standing as is, it goes over the shadow or footprint allowance. To be compliant with today's code, the maximum footprint for this property is 1740 square feet. As the building sits, it has a total footprint of 1832 square feet. Therefore, requesting a variance for the 92 square foot overage to keep what is already existing since the certificate of occupancy was given in 1999.

Mr. Hastings, contractor for the applicants, stated the project is in fact a renovation. Attesting that, both himself and Mr. Bar (homeowner) were unaware of the square footage overage. Mentioning, 25 years ago, this home indeed fell through the cracks when it came to the survey. Even though the home does in fact have a certificate of occupancy as it stands today.

Mr. Bar, of 446 Black Gum, gave clarification as to how they became owners of said property. Mr. Bar did in fact purchase the land, hired a builder/developer, and had the home built as it stands today. With the desired renovation, they, in fact, were looking to increase square footage since all the additions would be within the setbacks. While starting the beginning stages of the renovation they had no idea of the violation they were in regarding the allowed 1740 square foot shadow. Leaving the potential of having to remove a portion of their home if the variance is not granted.

Councilwomen Edie Dondero was sworn in and testified that she is a neighbor, and it would be a hardship to make the Applicants remove a portion of the house. She supported the variance.

The Board finds the applicant has met the standards necessary to demonstrate that an exceptional practical difficulty exists to warrant granting the variance. Given the fact that the conditions were not the fault of the applicant. Not granting the variance would result in the homeowner having to remove a portion of their home to fit within the allowed footprint of 1740 square feet.

Chairman Bunoski motioned to grant the variance to allow the current footprint to remain at 1832 square feet, 92 square feet over the allowed 1740. BOA Member Charlene Sturbitts seconded the motion. Motion carried 5-0.

Chairman Bunoski approved the meeting minutes from the previous BOA meeting that was held on August 5th, 2022. BOA Member James Oliver seconded the motion. Motion carried 5-0.

The hearing was adjourned at 2:18 p.m.

Exhibit 1 Variance application packet including email correspondence

